



Paper No. 8

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**OFFICE OF PETITIONS**

In re Application of	:	
Kevin X. Zhang	:	
Application No. 09/532,411	:	DECISION ON
Filed: March 22, 2000	:	RENEWED PETITION
Attorney Docket No. 42390.P8265	:	

This is a decision on the renewed petition under 37 CFR 1.181(a) filed July 30, 2002.

The renewed petition is **granted**.

This application became abandoned for failure to file a timely reply to the "Notice of Missing Parts of Nonprovisional Application" (the "Notice") mailed June 6, 2000. The Notice set forth an extendable period for reply of two months from its mailing date. Accordingly, this application became abandoned on August 7, 2000. A Notice of Abandonment was mailed January 7, 2002. The first petition under 37 CFR 1.181(a) was filed on February 21, 2002, but was dismissed by a decision mailed May 2, 2002, because petitioner failed to provide copies of the relevant docketing records to substantiate petitioner's claim of nonreceipt of the Notice. The instant renewed petition was then filed on July 30, 2002, (accompanied by a request for an extension of time within the first month) in which petitioner again asserts that the notice of June 6, 2000, was never received and provides computerized docketing records as proof of the same.

Section 711.03(c)(II) of the *Manual of Patent Examining Procedure* ("MPEP") provides that in order to establish non-receipt of an Office action so as to prove that the imposition of a holding of abandonment is improper, petitioner must: 1) provide a statement to the Office indicating that the Office action was not received by petitioner; 2) include in the statement an attestation to the fact that a review of the file jacket and docket records maintained by petitioner indicates that the Office action was not received; and 3) provide a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed.

Petitioner has met the burden of proof as established by Section 711.03(c)(II) of the MPEP. The holding of abandonment is, therefore, withdrawn.

*In re Application of Kevin X. Zhang, et al.*  
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The application file is being forwarded to Technology Center 2100 for further processing.

Telephone inquiries concerning this decision may be directed to the undersigned, at (703) 305-0010.

A handwritten signature in cursive script, reading "Kenya A. McLaughlin".

Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy